

To Whom This May Concern At The Federal Communications Commission,

Back when AT&T's mergers with SBC Communications & Bell South during the Bush Cheney years were approved (to put Ma Bell back together) AT&T agreed to the condition to not mess with Net Neutrality -- the nondiscrimination rule preventing ISPs from degrading, blocking or tampering with packets of data. Were they to even do so could violate user privacy -- to look into the packets to see what users are downloading/uploading can lead to a privacy invasion. AT&T were forbidden from doing so and lobbying against it for at least 2 years. Later when the time elapsed AT&T made it clear that they want to discriminate by setting up an unequal two tiered Internet -- with a slow public lane and a fast private lane (new services in the fast lane would fall under the moniker managed services) with the fast lane being a pay to play lane where you pay more for faster access.

Without Net Neutrality new web startups -- entrepreneurs of new web companies would need ISP permission to innovate. The Internet was built on openness and nondiscrimination to make it participatory and create a level playing field where all businesses have equal access -- AT&T cannot slowdown or speed up access of some websites over others depending on if the webmaster pays for priority. This would create an unequal two tiered Internet where small businesses that cannot afford to pay more will be restricted to the slow lane and level of access will be degraded. Without regulation the incumbent fixed wire-line broadband duopoly of big cable and phone company ISPs like AT&T, Qwest, Time Warner Cable, Comcast can restrict access to the Internet.

AT&T has for the past few years since the time limit on how long they could not lobby against Net Neutrality ended been launching a misinformation campaign at first calling Net Neutrality a solution in search of a problem -- now they have changed their rhetoric again to suggest Net Neutrality is not a problem of AT&T (problem what problem?) and that Internet freedom is not an issue.

AT&T and big corporations are trying to mislead the Federal Communications Commission, Congress and the public on Network Neutrality. They have tried to suggest the Internet Engineering Task Force instrumental in the creation of the open web supports the idea of allowing ISP discrimination even though the Internet Engineering Task Force has criticized those claims.

The fact is broadband a technology used to provide high speed access to the Internet is a global telecommunications service and while it was classified as such under Title II during the Clinton Gore Administration the broadband Internet access market was more competitive, there was more investment and job creation. Under the deregulatory regime of cowboy President George W. Bush competition declined as mega mergers were allowed in the telecommunications industry, and investment and jobs have also fallen yet at the same time revenues are rising for the providers. Broadband should be re-regulated as such as a Title II telecommunications service -- as a common carrier service and the Internet must remain an open and democratic platform for individual free

speech.

Now Google and Verizon Wireless have crafted a policy proposal for Net Neutrality that leaves the FCC a toothless regulatory watchdog -- an agency incapable of protecting consumers -- that suggests the FCC investigate Net Neutrality complaints against wire-line broadband ISPs on a case by case basis -- Google and Verizon say that Net Neutrality for wire-line broadband should continue to exist in some form but they oppose extending nondiscrimination rules to mobile broadband so wireless users can have the same protections.

Under the Verizon Wireless Google deal a pay to play Internet would develop. This is not true Net Neutrality and needs to be rejected. We need the FCC to look out for consumers and the public interest. Reclassify broadband a Title II telecommunications service to restore regulatory oversight/authority diminished by a court ruling in Comcast v. FCC that found that the FCC lacked authority under the Bush era Title I classification of broadband as a weakly regulated information service.

We can and must keep the Internet open for future entrepreneurs who unable to afford to pay for priority access would not be able to succeed as well or as easily as web based businesses on an Open Internet can -- as new entrepreneurs with limited income would be restricted to the slow lane where the quality of service -- speeds, and ability to access will be not as good as the expensive fast lane.

We must also keep it open for consumers -- the Open Internet is a vital telecommunications service enabling free flow of information and communication without corporate gatekeepers. Some websites on the web may be proprietary and there are proprietary digital storefronts like Apple's iTunes App Store ecosystem where Apple is already a corporate gatekeeper (but iPod Touch, iPhone & iPad users have a choice between using apps on Apple's closed App Store or the open web -- each device comes with a mobile version of Apple's Safari web browser to access the Open Internet) but the Internet as a whole when you browse the Web has always been open -- and it is not right for corporations to try to become gatekeepers on the open web and close the web.

Net Neutrality is a fight to preserve what we already have -- to preserve the Open Internet which has been so successful because of its openness -- the Net is not broken and does not need fixing/tampering with -- it doesn't need to be changed to accommodate discrimination. Therefore let us send a message to the ISPs to leave our Internet alone. Stop trying to censor, slowdown access to or block free flow of communication and information online. Corporations have enough control in society over our lives, and worse since Citizens United have hijacked our democracy and our elections -- we don't need them hijacking the last remaining democratic and open medium for the public. The Internet represents the future of all media and must be reclaimed now for the public by the

public.

For too long media and communications policy in Washington D.C. have been made behind closed doors between members of Congress, the FCC, and industry lobbyists without the public's informed consent. Laws were passed in the public's name without our input or consent that ended up benefiting corporations over people leading to bad policy decisions.

Ideally in a more competitive broadband market there would be less need for Net Neutrality rules but given how consolidated the broadband market currently is thanks to mega mergers approved during Bush Cheney years we need Net Neutrality rules -- ideally companies should be divided into service providers (pipes only) and content or application providers (content only) -- in a market with several smaller providers (there may exist a few big companies but several small effective competitors also) there is less incentive to discriminate -- its usually the big ISPs with a conflict of interest wanting to discriminate -- in a more competitive market you can switch to a small ISP if the big ISPs try to discriminate -- but their all big ISPs today and all want to discriminate if allowed to do so.

While the market for mobile broadband is at least somewhat more competitive than the fixed wire-line broadband (cable or phone company dsl) market the wireless phone market is monopolistic as well with very few major carriers (AT&T, Sprint Nextel, T Mobile, Verizon Wireless) -- AT&T was allowed in recent years not only to merge with SBC Communications & Bell South (two Baby Bells) but AT&T's wireless unit was allowed to merge with Cingular Wireless which reduced competition -- also there is exclusive lock-in for most cellular phones -- preventing consumers from using the phone of their choice with the carrier of their choice.

If you get an Apple iPhone you have to sign with AT&T (technically its possible to jailbreak for other carriers but legally are required to sign with AT&T), you want a Motorola Droid, a Motorola Droid X or Droid 2 you need to use Verizon Wireless.

There was a time this was required of land line wire-line based phones also but then the FCC issued its terrific Carterfone ruling (paving the way for the invention of the fax machine which would not have happened without the Carterfone ruling) consumers to have the freedom with wireline phones to use the service provider of your choice. Yes initially prices of phones can go up if required to be unlocked (with carriers not subsidizing the cost of the phone) but over the long term no phone company can afford to sell their phones too expensive that no one can afford and prices will have to come down to reasonable levels to gain market share etc.

Wireless carriers claim there's lots of innovation in the space already look the Apple iPhone, all the Android phones, the Palm Pre, Blackberries etc but however much innovation they have slowly allowed to take place we cannot imagine how much more innovative the market would be were it

opened. Think of all the new devices and phones starting up but canceled because the carriers refused to provide service.

Imagine the innovations they refused to allow for a minute and how much more innovation would occur if their control ended.

Wireless phones should have wholesale open access -- once consumers can use the phone of their choice with the carrier of their choice it will become easier for new companies to startup to compete with the established carriers. Right now it would be hard to start a new cellular phone carrier -- the monopoly carriers lock out new competitors from getting into the business. Government should not protect monopolies, duopoly or oligopoly companies they should protect consumers and keep the markets free and open to competition with antitrust regulations and enforcement of said rules.

AT&T before President Obama came to office was criticized for restricting Skype's Voice Over Internet Protocol (VOIP) mobile app for iPhone to Wifi when technically it was capable of running over 3G but for business decisions AT&T didn't want a VOIP app to run on its network allowing individuals to make calls using their Internet connection -- they wanted to protect their business of allowing cellular phone users to place and receive calls on their network from competition online. The app while approved by Apple was thus restricted to Wifi. Later there were concerns surrounding why Apple rejected the Google Voice VOIP app from their App Store and would not even let it run on Wifi.

Also wireless Net Neutrality should be required to ensure consumers have the freedom to use the applications of their choice with the carrier of their choice. It is wrong for AT&T to block Sling Player Mobile's iPhone application (on Apple iTunes App Store) from running over AT&T's 3G network if AT&T allows MLB At Bat application another Internet Protocol Television based app for Apple's mobile devices. AT&T should either ban all video on demand applications on iPhone from running on their 3G network (limiting them to Wifi) or allow them all. Picking and choosing is wrong -- they should not be allowed to cherry pick.

They may say they do it for technical reasons -- concerned with bandwidth -- and that infrastructure cannot support so many iPhone users running video on demand applications but - argue that unlike MLB At Bat app that does video on demand online the Sling Player app connects to Sling Media DVRs and may be more bandwidth intensive than the MLB At App thus they approve MLB At Bat but not Sling Player for iPhone on 3G but if AT&T wanted to they could invest in upgrading network infrastructure to sufficient levels so they could allow even that video on demand app over 3G.

In fact in the early years after AT&T was allowed to merge with SBC Communications & Bell South before that 2 year requirement where they could not lobby against Net Neutrality was up AT&T

actually continued to invest in their infrastructure and invested more in building out their network but when the time elapsed and they were allowed to start lobbying against Net Neutrality decreased investments.

Now AT&T threatens if the FCC restores its regulatory oversight over broadband by reclassifying under Title II even with exemptions to line sharing and price control rules that it will decrease investment in its Internet and IPTV services. Yet AT&T has decreased investment in them anyway since the time they were required to not mess with Net Neutrality was up.

Granted over regulation of any industry can be a bad thing but total deregulation has shown its negatives. As consumers we benefited from the breakup of Ma Bell (which had once been a government approved monopoly later broken up by government, and under Bush Cheney allowed to re-merge) but there was little benefit to us in the re-merger.

These companies are happy to take taxpayer money provided by the government to fund expansion of their infrastructure and build out their broadband networks to deploy in more areas but oppose transparency. The Internet belongs to the public -- it is a global network of computers and mobile devices which belong to us -- the ISPs just provide us access to the Internet -- we cannot allow them to control the Internet.

So Network Neutrality should be preserved and extended to mobile broadband. With industry lobbyists bribing elected politicians to vote their way over the public interest it is much harder these days in Washington to find elected and even non-elected government leaders willing to do the right thing. We cannot allow mobile device companies, giant content companies etc to control the Net.

We cannot allow discrimination on the Web. We need to accomplish the goals of the National Broadband Plan with open, affordable, universal, equal nondiscriminatory access to the Internet for all Americans who want it. The investments in the American Recovery & Reinvestment Act in funding expanded broadband deployment is a good start but we need to implement the National Broadband Plan and maintain Net Neutrality to ensure broadband markets become more competitive, affordable, and Internet remains an open platform encouraging higher public participation now to help spur broadband adoption.

The Internet should be treated as a public work and remain an open platform -- a level playing field where anyone with a good idea can succeed on the merits of their idea -- the merits of the product/service offered. Just imagine without Net Neutrality Google might not have become the giant it is today in search -- they may not have been able to succeed on the merits -- of how many people like their services and visit their site rather could only succeed if the ISPs allowed them to innovate.

Therefore I support action by the Federal Communications Commission to reclassify broadband under Title II to restore Network Neutrality rules to protect consumers and the future small business web entrepreneurs of tomorrow who would suffer under AT&T's paid prioritization scheme. We need open, universal, affordable access to the Internet to be available to everyone regardless of rich or poor (income inequality shouldn't matter all should have equal access to Net), urban or rural (regardless of location/residence where they live), disability, disability, age, gender, race, skin color, sexual orientation (gay or straight) etc - point is equal access to the Net for all Americans who want access.